

Minutes
City Planning Commission
Tuesday, October 17, 2006
1:00 p.m.
728 Second Street – Room 25
Portsmouth, Ohio 45662

The City Planning Commission met in regular session at 1:00 p.m. in the City Engineering Department, 728 Second Street- Portsmouth, Ohio. Board Members in attendance were Mayor James Kalb, City Solicitor David Kuhn, Juanita Jewett and Orville Ferguson. Board Member Bill Beaumont was not in attendance.

Minutes of the previous meeting were accepted and approved.

Others Present:

Carolyn Fenton 3111 Brookside Dr. Portsmouth, Ohio 45662

Item # 1 Dr. Clyde Fenton
 2002 Robinson Avenue
 Portsmouth, Ohio 45662

Re: Dr. Clyde Fenton requests the City Planning Commission vacate a portion of Zell Neff Alley beside his office at 2002 Robinson Avenue, down to where Zell Neff Alley intersects with Turley Alley running East/West. Zell Neff Alley is located North/South between 11th and Robinson Avenue.

Discussion: Board Member Juanita Jewett stated the previous meetings minutes could be reviewed and will show the City Planning Commission did vacate a portion of Turley Alley to Castle's Auto Sales, but did not vacate the south portion of Zell Neff Alley to Castle's Auto Sales because there are homes and a car lot that use the south portion of Zell Neff Alley to access their garages.

Board Member David Kuhn asked if Dr. Fenton's request is to just vacate the north section of Zell Neff Alley and Mrs. Jewett answered yes. Mrs. Jewett said Mrs. Carolyn Fenton is present and will address the Board of their intent to vacate the alley.

Carolyn Fenton stated their intent is to either expand their existing office building and ad a parking lot or build a new building and if the alley were vacated it would make for more space. Mrs. Jewett asked Mrs. Fenton if the alley is an open alley or is the alley overgrown with grass. In response, Mrs. Fenton said the alley is a mixture of grass and gravel it is traveled, but not often. Mr. Kuhn asked if Dr. Fenton own property on both sides of the alley. Mrs. Fenton answered yes.

Mr. Kuhn inquired whether or not the neighborhood was notified and in response the Clerk answered yes; and there were no comments from the neighborhood for or against the request.

Board Member Orville Ferguson inquired whether or not there are utilities in the alley. In response, Larry Justice, Engineering Department stated there to be no utilities in Zell Neff Alley. Mr. Kuhn stated if there were utilities in the alley that no vertical building shall be constructed over the alley. Mrs. Fenton asked if a parking lot could be constructed over the alley and Mr. Kuhn answered yes. Mr. Kuhn said Mrs. Fenton mentioned that the alley is used on occasion and asked if the tenants living in the adjoining properties use the alley. Mrs. Fenton said she does not believe anyone in particular travels the alley; she believes every now and again people use the alley mainly for a short cut; the alley is not heavily traveled.

Mr. Kuhn said at last months meeting the Planning Commission made a recommendation to vacate Turley Alley (Turley Alley is parallel to 11th and Robinson Avenue) directly behind Castle Auto Sales and said if the north side of Zell Neff Alley is vacated then Zell Neff Alley would dead end. In response, Mrs. Jewett answered yes, but it would leave access for the residents to use the south side of Zell Neff Alley to access their garages

Mr. Ferguson asked if city services use the alley for trash pick up. Mrs. Jewett informed Mr. Ferguson in the previous meeting it was stated that city services pick up the trash in front of the properties on Clay Street.

Mrs. Fenton informed the Board that in 1988 the city vacated a portion of Turley Alley located behind their office and runs east/west from Clay Street to where Turley Alley intersects with Zell Neff Alley and the alley was divided between them and Henry Adkins.

David Kuhn made a motion to vacate the north section of Zell Neff Alley running from Robinson Avenue south to the northeast corner of Turley Alley and it would be stipulated that the city would maintain an easement should there be any utilities located in Zell Neff Alley. James Kalb seconded the motion. The vote was 4-0.

Further discussion

Mr. Kuhn informed Mrs. Fenton that it is their responsibility to submit a legal description of the alley; because once City Council vacates the alley and passes an ordinance; the legal description is then attached to the ordinance and taken to the County Court House and placed on the tax duplicate. Once the legal description is complete it shall be submitted to the City Engineering Department.

David Kuhn amended his motion to vacate the north part of Zell Neff Alley from Robinson Avenue to the south right of way to the center of the alley that was vacated April 26, 1988 by Ordinance # 37. James Kalb seconded the motion. The vote was 4-0.

Item # 2

James Hale
1359 Rosemount Road
Portsmouth, Ohio 45662

Request: James Hale requests the City Planning Commission re-establish the zoning for a non-conforming use for the property located at 2925 Brant Avenue. Mr. Hale plans to establish a Barber Shop/College at this location.

Discussion: Neither James Hale nor a representative was present to present the request to the Board. Mrs. Jewett inquired whether or not Mr. Hale was notified of today's meeting. The Clerk informed Mrs. Jewett that Mr. Hale was notified as well as notifying the surrounding neighborhoods; there were no questions or comments for or against the request.

James Kalb informed the Board that Mr. Hale came to his office and informed him that the previous property owners have been paying commercial property taxes on the property at 2925 Brant Avenue and the lot towards Coles Boulevard and said Mr. Hale's thinking is that the property should be considered as being commercial property. Mr. Kalb said Mr. Hales request is not for a variance his request is to re-establish the zoning. Mrs. Jewett said in the previous meeting it was discussed and determined that the Board would have to treat Mr. Hale's request as a variance because the building has been vacant for several years and since Mr. Hale is not present the Board cannot act on the request. Mrs. Jewett made a recommendation that the Engineering Department do an inspection to make sure Mr. Hale is not operating the Barber Shop.

David Kuhn made a motion to table item # 2 to the November 21, 2006 City Planning Commission Meeting. Orville Ferguson seconded the motion. The vote was 4-0.

Cc: Board Members
Petitioner(s)
Fire Department
Health Department
City Clerk/City Council